

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LARRY EUGENE BOYCE,

Plaintiff,

No. CIV S-00-0176 MCE PAN P

vs.

NATIONAL CONCRETE, et al.,

Defendants.

ORDER

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Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. He requests the court appoint an expert to testify on the issue of damages resulting from his exposure to various toxins during the earthquake retrofit project at High Desert State Prison. Defendants filed no opposition.

The court has recommended defendants' motion for summary judgment be granted and that judgment be entered in their favor and so there is no need for expert testimony on the issue of damages.

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1 Accordingly, IT IS HEREBY ORDERED THAT plaintiff's April 27, 2005,
2 motion is denied without prejudice.

3 DATED: February 27, 2006.

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6 UNITED STATES MAGISTRATE JUDGE

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